(13)

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.43/2007

APPLICANTS

1. Arvind Singh, S/o. Late Satyavrat Singh, aged 32 years.
2. Rajesh Singh, Son of late Satyavrat Singh, aged about 25 years.
3. Madvi Singh, Wife of Satyavrat Singh, aged about 52 years.
4. Preeti Singh, daughter of Satyavrat Singh, aged about 24 years.
5. Sanjay Singh, son of Satyavrat Singh, aged about 30 years.

All residents of Ratanpur Mahamaya Dwar, P.S. Ratanpur, at present resident of Kapil Nagar, Sarkanda, District – Bilaspur (C.G.).

Versus

RESPONDENTS

1. State of Chhattisgarh
   Through : Station House Office, P.S. Sarkanda, Bilaspur (C.G.)
2. Smt. Usha Singh, wife of Arvind Singh, aged about 30 years, resident of Sarkanda, Bilaspur (C.G.)

Appearance:

Shri Gautam Khetrapal, Counsel for the petitioners

Shri G.K. Beriwal, Dy. Advocate General for the State/respondent No.1.

Shri Suresh Verma, Counsel for respondent No.2.

ORAL ORDER
(14.03.2007)

SUNIL KUMAR SINHA, J.

This is a petition filed under Section 482 of the Code of Criminal Procedure against the order dated 11/09/2006 passed in Criminal Revision No.267/2006. The aforesaid Criminal Revision was filed against the order dated 18/8/2006 passed in Criminal Case No.97/2005 (State vs. Arvind Singh and others) under Section 498-A/34 of IPC pending in the Court of Additional Chief Judicial Magistrate, Bilaspur

(C.G.). By the aforesaid order, learned Additional Chief Judicial Magistrate had dismissed an application filed under Section 320(2) of Cr.P.C. for permission to compound the offence on the ground of compromise between the parties. The Magistrate has taken the view that since there is no provision in the Code of Criminal Procedure for compounding the offence punishable under Section 498-A of IPC, therefore, the same cannot be allowed.

The Revisional Court also took the similar view and ultimately dismissed the aforesaid Revision confirming the order passed by the trial Court.

It is stated before me that respondent No.2 was married to petitioner No.1 (both the persons are present in the Court) in the year 1993. On some dispute between the parties, the wife lodged the report, on which, a charge sheet was filed against the accused/petitioners – Arvind Singh and Rajesh Singh under Section 498-A/34 of IPC. Later on, accused/petitioners – Madvi Singh, Preeti Singh and Sanjay Singh were also ordered to be added in the aforesaid case and the trial Court issued warrant of arrest for their production. In the meanwhile, this application dated 18/8/2006 was filed before the trial Court under Section 320(2) of Cr.P.C., on which, the aforesaid order was passed, which was confirmed in Criminal Revision.

Today, husband and wife, both are present before me.

I have enquired from the wife about the compromise. She has stated that she is living along with the husband and his other family members since last 3-4 months and now the relations are cordial and the criminal case pending against her husband and his other family members be quashed.

The jurisdiction of the High Court under Section 482 Cr.P.C. regarding quashment of a proceeding u/s 498-A I.P.C. in view of Section 320 Cr.P.C. is no longer *res integra*. It has been observed by the Apex Court in the matter of ***B.S. Joshi and others -Vs.- State of Haryana & another, 2003 (2) C.G.L.J. 35*** that 'there is no doubt that the object of introducing Chapter XX-A containing section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a

husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter-productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter – XX-A of the Indian Penal Code.' Observing this, the Apex Court laid down that such proceedings can be quashed by the High Court under Section 482 Cr.P.C. in its inherent jurisdiction.

After hearing the parties in person, I am satisfied that they have settled their dispute amicably and intervention by this Court u/s 482 Cr.P.C. by quashing the criminal proceedings would meet the ends of justice and in the prevailing facts and circumstances, it should not be allowed to continue.

For the foregoing reasons, the petition is allowed and the proceedings of the Criminal Case No.97/2005 (State vs. Arvind Singh and other) pending before the Court of A.C.J.M., Bilaspur is hereby quashed.

No order as to costs.

Sd/-
SUNIL KUMAR SINHA
Judge